

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Ralph Louis Luick Sr.
Debtor(s)

Bankruptcy Case No.: 19-22989-GLT
Issued per 12/2 & 12/4 Proceedings
Chapter: 13
Docket No.: 46 – 21
Concil. Conf.: February 6, 2020 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 6, 2020 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: December 4, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Ralph Louis Luick, Sr.
 Debtor

Case No. 19-22989-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 30

Date Rcvd: Dec 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 06, 2019.

db
 15095797 +Ralph Louis Luick, Sr., 1287 Route 68, Rochester, PA 15074-2702
 15095798 +Allegheny Health Network, P.O. Box 645266, Pittsburgh, PA 15264-5250
 15125631 #+Allied Interstate, P.O. Box 361445, Columbus, OH 43236-1445
 15095804 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +Collection Service Center, Inc., Attn: Bankruptcy, Po Box 560,
 New Kensington, PA 15068-0560
 15095805 +Eastern Revenue Inc, Attn: Bankruptcy Dept., 601 Dresher Rd. Suite 301,
 Horsham, PA 19044-2238
 15095806 +Fleet Services of America, Mag. District 36-2-02, 175 Friendship Circle,
 Beaver, PA 15009-1395
 15095807 +Genesis Medical Assoc., 8150 Perry Highway, Pittsburgh, PA 15237-5232
 15095811 +Nationwide Recovery, 501 Shelley Dr Ste 300, Tyler, TX 75701-9553
 15095813 Pettit, Spontak & Mihok, BNY Mellon Center, Suite 2900, Pittsburgh, PA 15212
 15095814 Resurgent, Care Of Resurgent Capital Serv, Greenville, SC 29602
 15095815 +Spirit Shop, P.O. Box 535816, Grand Prairie, TX 75053-5816
 15095817 +UPMC, P.O. Box 371472, Pittsburgh, PA 15250-7472
 15095816 +United Rev, Po Box 1184, Langhorne, PA 19047-6184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: kburkley@bernsteinlaw.com Dec 05 2019 02:55:02 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 05 2019 03:08:36
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15133531 E-mail/Text: ally@ebn.phinsolutions.com Dec 05 2019 02:53:35 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 15095799 +E-mail/Text: ally@ebn.phinsolutions.com Dec 05 2019 02:53:35 Ally Financial,
 Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
 15133529 E-mail/Text: ally@ebn.phinsolutions.com Dec 05 2019 02:53:35 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 15116833 +E-mail/Text: bnc@atlasacq.com Dec 05 2019 02:53:37 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 15095801 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Dec 05 2019 02:54:47
 Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor,
 Coral Gables, FL 33146-1873
 15136488 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Dec 05 2019 02:54:47
 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd, 5th Floor,
 Coral Gables, FL 33146-1837
 15136417 +E-mail/PDF: resurgentbknofifications@resurgent.com Dec 05 2019 02:56:16
 CVI SGP-CO Acquisition Trust, c/o Resurgent Capital Services, P O Box 10587,
 Greenville, SC 29603-0587
 15095802 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 05 2019 02:56:09 Capital One,
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 15104167 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 05 2019 02:55:45
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15095808 E-mail/Text: cio.bncmail@irs.gov Dec 05 2019 02:53:44 IRS, P.O. Box 7346,
 Philadelphia, PA 19101-7346
 15095809 +E-mail/Text: bncnotices@becket-lee.com Dec 05 2019 02:53:41 Kohls/Capital One,
 Kohls Credit, Po Box 3120, Milwaukee, WI 53201-3120
 15095812 +E-mail/Text: RVSVCBICNOTICE@state.pa.us Dec 05 2019 02:54:13 PA Dept. of Revenue,
 Bureau of Compliance, Dept. 280946, Harrisburg, PA 17128-0001
 15105633 +E-mail/Text: RVSVCBICNOTICE@state.pa.us Dec 05 2019 02:54:13
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,
 Harrisburg, PA 17128-0946
 15097449 +E-mail/PDF: gecsed@recoverycorp.com Dec 05 2019 02:56:35 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BAYVIEW LOAN SERVICING, LLC
 cr Resurgent Capital Services, LP, d/b/a CVI SGP-CO A
 15095810 Melanie Ann Stemler
 cr* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 15095800* +Ally Financial, Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
 15123844* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 15095803* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285

TOTALS: 3, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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District/off: 0315-2

User: dbas
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Total Noticed: 30

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 06, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 4, 2019 at the address(es) listed below:

Brian Thomas Langford on behalf of Creditor Resurgent Capital Services, LP, d/b/a CVI SGP-CO
Acquisition Trust PitEcf@weltman.com, PitEcf@weltman.com
James Warmbrodt on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Robert B. Marcus on behalf of Debtor Ralph Louis Luick, Sr. attnyrobmarcus@yahoo.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6